### Title VI Plan

### **City of Whitewater**

Adopted on:	November	19, 2019		
Adopted by:	City of Whi	tewater Common Cou	ncil	
Revised on:				
This policy is h	nereby adopt	ed and signed by:		
City of Whitev	vater			
Executive Na	me/Title:	Cameron Clapper, Ci	ty Manager	
Executive Sig	nature: -			

### **Policy Statement**

The **City of Whitewater** as a recipient of Federal Transit Administration (FTA) grant dollars either directly from FTA or through the Wisconsin Department of Transportation (WisDOT) will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation implementing regulations.

#### **Title VI Plan Elements**

The **City of Whitewater's** Title VI plan includes the following elements:

- 1. Evidence of Policy Approval
- 2. Notice to the Public
- 3. Complaint Procedure
- 4. Complaint Form
- 5. List of transit related Title VI Investigations, Complaints and Lawsuits
- 6. Public Participation Plan
- 7. Language Assistance Plan
- 8. Minority Representation Table and Description

Note: Additional materials will be attached, if required.

#### **TITLE VI Notice to the Public**

The City of Whitewater's Notice to the Public is as follows:

Notifying the Public of Rights Under Title VI

### CITY OF WHITEWATER

- ✓ The City of WHITEWATER operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Whitewater.
- ✓ For more information on the **City of Whitewater's** civil rights program, and the procedures to file a complaint, contact 262-473-0580, email <a href="mailtitle.vi.complaint@whitewater-wi.gov">title.vi.complaint@whitewater-wi.gov</a>; or visit our administrative office at 312 W. Whitewater St., Whitewater, WI 53190. For more information, visit <a href="https://www.whitewater-wi.gov">www.whitewater-wi.gov</a>
- ✓ A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.
- ✓ If information is needed in another language, contact 262-473-0580. Si se necesita informacion en otro idioma de contacto, 262-473-0580. Yog muaj lus ghia ntxiv rau lwm hom lus, hu rau 262-473-0580.

The **City of Whitewater's** Notice to the Public is posted in the following locations:

- ✓ Agency website www.whitewater-wi.gov
- ✓ Public Notice Board at Municipal Building
- ✓ Inside vehicles

#### **Title VI Complaint Procedure**

The **City of Whitewater's** Title VI Complaint Procedure is made available in the following locations: (check all that apply)

X	Agency website, either as a reference in the Notice to Public or in its entirety
X	Hard copy in the central office
	Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.
	Other,

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the **City of Whitewater** may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form.

The **City of Whitewater** investigates complaints received no more than 180 days after the alleged incident. The **City of Whitewater** will process complaints that are complete.

Once the complaint is received, the **City of Whitewater** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **City of Whitewater** has 90 days to investigate the complaint. If more information is needed to resolve the case, the city may contact the complainant.

The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case.

If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the city can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- A <u>closure letter</u> summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- ✓ A <u>letter of finding (LOF)</u> summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 14 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact 262-473-0580. Si se necesita informacion en otro idioma de contacto, 262-473-0580.

## **Title VI Complaint Form**

The **City of Whitewater's** Title VI Complaint Procedure is made available in the following locations: (check all that apply)

☐ Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.

**X** Agency website, either as a reference in the Notice to Public or in its entirety

**X** Hard copy in the central office

□ Other, \_\_\_\_\_

Section I:						
Name:						
Address:						
Telephone (Home):		Telephone (	Work):			
Electronic Mail Address:			<u> </u>			
Accessible Format Requirements?	Large Print TDD		Audio Tape Other			
Section II:						
Are you filing this complaint on you	our own behalf?		Yes*	No		
*If you answered "yes" to this que	estion, go to Section III.		<u> </u>			
If not, please supply the name ar are complaining:	nd relationship of the person	for whom you				
Please explain why you have file	d for a third party:					
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.						
Section III:						
I believe the discrimination I expe	erienced was based on (che	ck all that apply):				
[] Race [] Co	lor	[] National Or	igin			
Date of Alleged Discrimination (N	Month, Day, Year):					
Explain as clearly as possible wh persons who were involved. Inclu (if known) as well as names and of this form.	ude the name and contact in	formation of the	person(s) who discrim	ninated against you		
Section IV						
Have you previously filed a Title	VI complaint with this agenc	y?	Yes	No		

Section V	
Have you filed this complaint with any other Feder	ral, State, or local agency, or with any Federal or State court?
[] Yes [] No	
If yes, check all that apply:	
[] Federal Agency:	
[] Federal Court	[ ] State Agency
[] State Court	[] Local Agency
Please provide information about a contact persor	n at the agency/court where the complaint was filed.
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	
You may attach any written materials or oth complaint.  Signature and date required below	ner information that you think is relevant to your
Signature	Date
Please submit this form in person at the ad	dress below, or mail this form to:
City of Whitewater, Finance Director 312 W. Whitewater St Whitewater, WI 53190.	

Page **5** of **14** 

# List of Transit Related Title VI Investigations, Complaints and Lawsuits

Sub recipier	nt: City of W	hitewater	
Contact Person:		Signature:	Date:
Finance Di	rector	oignature.	Date.
		·	·
Check	One:		
<b>x</b>	There have been no report period.	investigations, complaint and/or laws	uits filed against us during the
		restigations, complaints and/or lawsui	s filed against us. See list

	<b>Date</b> (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations	,			
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

### **Public Participation Plan**

Subrecipient:	City of Whitewater		
Contact Person:	Finance Director	Signature:	Date:

#### **Strategies and Desired Outcomes**

To promote inclusive public participation, the **City of Whitewater** will use its resources available to employ the following strategies, as appropriate:

- ✓ Provide for early, frequent and continuous engagement by the public.
- ✓ Expand traditional outreach methods. Think outside the box: go to hair salons, barbershops, street fairs, faith-based institutions, libraries, etc.
- ✓ Select accessible and varied meeting locations and times
- ✓ Employ different meeting sizes and formats
- ✓ Use social media in addition to other resources as a way to gain public involvement.
- ✓ Use radio, television or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations may also include audio programming available on podcasts.

#### **Documented Public Outreach**

The direct public outreach and involvement activities conducted by the **City of Whitewater** are summarized in the table below. Efforts include *meetings*, *surveys*, *focus groups*, *etc*.

Information pertinent to each event and/or activity will be provided to WisDOT upon request. Examples include copies of: meeting announcements, agendas, posters, attendee list, etc.

City of Whitewater Staffer(s)	Event	Date Publicized and Communication Method (Public Notice, Posters, Social Media)	Outreach Method (Meeting, Focus Group, Survey, etc).	Notes (Meeting size and format, location, Number of Attendees, etc.)
	Whitewater	Whitewater Event	City of Whitewater Staffer(s)  Event Staffer(s)  and Communication Method (Public Notice, Posters,	City of Whitewater Staffer(s)  Event Staffer(s)  And Communication (Meeting, Focus Group, Survey, etc).

### **Language Assistance Plan**

#### **Plan Components**

As a recipient of federal US DOT funding, the **City of Whitewater** is required to take reasonable steps to ensure meaningful access to our programs and activities by limited-English proficient (LEP) persons.

**Limited English Proficient (LEP):** Refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. This includes those who have reported to the U.S. Census that they speak English less than very well, not well, or not at all.

Most individuals in Wisconsin read, write, speak and understand English. There are some individuals for whom English is not their primary language. If these individuals have a limited ability to read, write, speak, or understand English, they are considered limited English proficient, or "LEP."

The **City of Whitewater's** Language Assistance Plan includes the following elements:

- 1. The results of the *Four Factor Analysis*, including a description of the LEP population(s), served.
- 2. A description of how language assistance services are provided by language
- A description of how LEP persons are informed of the availability of language assistance service
- 4. A description of how the language assistance plan is monitored and updated
- 5. A description of how employees are trained to provide language assistance to LEP persons
- 6. Additional information deemed necessary

#### Methodology

To determine if an individual is entitled to language assistance and what specific services are appropriate, the **City of Whitewater** has conducted a *Four Factor Analysis*<sup>1</sup> of the following areas: 1) Demography, 2) Frequency, 3) Importance and 4) Resources and Costs.

LEP Four Factor Analysis

#### ✓ Factor 1: Demography:

The first factor of the *Four* Factor *Analysis* is the basis of the Language Assistance Plan. It requires the **City of Whitewater** to review its US Census data to determine if it meets the *LEP Safe Harbor Threshold* for two to three of the largest language groups identified other than English. The *Safe Harbor Threshold* is calculated by dividing the population estimate for a language group that "Speaks English less than very well" by the total population of the city.

<sup>&</sup>lt;sup>1</sup> DOT LEP guidance https://www.civilrights.dot.gov/page/dots-lep-guidance

- a. The *LEP Safe Harbor Threshold* provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less) the **City of Whitewater** must provide translation of vital documents in written format for the non-English users.
- b. Examples of written translation of vital documents include the Title VI policy statement and/or Notice to the Public (Appendix 2), Title VI Complaint Procedure (Appendix 3), Title VI Complaint Form (Appendix 4), and ADA paratransit eligibility forms.

The City has obtained LEP data from the US Census website utilizing the <u>American Community</u> Survey (ACS) Data<sup>2</sup> at:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\_15\_5YR\_B 16001&prodType=table. This data is summarized below:

US Census Bureau			English		English	
ACS 2011-2015 5-year estimates,	Total	% of	Very	% of	< Very	% of
Ages 5 and older	Pop	Population	Well	Population	Well	Population
Total Population	14,271					
- Speak only English	12,723	89.2%				
- Spanish or Spanish Creole:	1,031	7.2%	684	4.8%	347	2.4%
- Chinese:	150	1.1%	55	0.4%	95	0.7%
- Vietnamese:	53	0.4%	30	0.2%	23	0.2%
- African languages:	50	0.4%	50	0.4%	0	0.0%
- Other Indo-European languages:	36	0.3%	36	0.3%	0	0.0%
- Hmong:	30	0.2%	11	0.1%	19	0.1%
- Arabic:	29	0.2%	29	0.2%	0	0.0%
- Other Slavic languages:	29	0.2%	29	0.2%	0	0.0%
- Korean:	20	0.1%	0	0.0%	20	0.1%
- French (incl. Patois, Cajun):	17	0.1%	17	0.1%	0	0.0%
- Polish:	17	0.1%	0	0.0%	17	0.1%
- German:	16	0.1%	6	0.0%	10	0.1%
- Japanese:	16	0.1%	0	0.0%	16	0.1%
- Greek:	11	0.1%	11	0.1%	0	0.0%
- Gujarati:	11	0.1%	0	0.0%	11	0.1%
- Hindi:	10	0.1%	0	0.0%	10	0.1%
- Portuguese or Portuguese Creole:	10	0.1%	10	0.1%	0	0.0%
<ul> <li>Other Pacific Island languages:</li> </ul>	7	0.0%	0	0.0%	7	0.0%
- Russian:	5	0.0%	5	0.0%	0	0.0%
	14,271	=	973	6.8%	575	4.0%

The largest LEP population is Spanish or Spanish Creole, which represents 7.2% (1,031) of the total population, but only 2.4% (347) speak English Less than Very Well. Ten other language speaker groups who speak English Less than Very Well make up a combined 1.6% (228) of the population. As all of these LEP groups are less than 5% of the population, The City of

<sup>&</sup>lt;sup>2</sup> The ACS publishes data in many forms on the Census Bureau American Fact Finder website http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml

Whitewater is below the Safe Harbor threshold. Even though the City of Whitewater is below the safe harbor threshold and is not required to provide written translation of vital documents, it posts a schedule in Spanish on its website. In the future, if the City of Whitewater meets the Safe Harbor Threshold for written translation of vital documents, it will also consider measures needed for oral interpretation.

✓ Factor 2: Frequency: How often does your staff (and/or contractor/lessee) come into contact with LEP persons?

LEP persons are persons identified as speaking English less than very well, not well or not at all. Just because a person speaks a language other than English doesn't mean they don't speak English or are identified as LEP.

The **City of Whitewater** (and its *contractor*/lessee) is trained on what to do when they encounter a person that speaks English less than well. The **City of Whitewater** and/or its contractor/lessee will track the number of encounters and consider making adjustments as needed to outreach efforts to ensure meaningful access to all persons and specifically to LEP and minority populations of the **City of Whitewater's** programs and services.

The **City of Whitewater's** *contractor*/transit provider provides rides to approximately 25,000 persons per year. While formal data has not been collected, the contractor has indicated it has encountered (40) forty LEP persons using the service within the last six months. Our contractor/transit provider has an open-door policy and will provide rides to any person who requests a ride. If an individual has speech limitations, the dispatcher or driver will work with the Transit Manager and the **City of Whitewater**, if needed, to ensure the individual receives access to the transit service.

✓ Factor 3: Importance: How does the program, service or activity affect people's lives? The City of Whitewater and our contractor/transit provider understands an LEP person with language barrier challenges also faces difficulties obtaining health care, education or access to employment. A public transit system is a key link to connecting LEP persons to these essential services.

The **City of Whitewater** has identified activities and services which would have serious consequences to individuals if language barriers prevented access to information or the benefits of those programs. The activities and services include providing emergency evacuation instructions in our facilities, stations and vehicles and providing information to the public on security awareness or emergency preparedness.

The **City of Whitewater's** assessment of what programs, activities and services that are most critical included contact with community organization(s) that serve LEP persons, as well as contact with LEP persons themselves to obtain information on the importance of the modes or the types of services that are provided to the LEP populations.

The **City of Whitewater** and its contractor/transit provider does the following to inform LEP persons of the availability of language assistance services: publish timetables and route maps in languages other than English, provide pictograms and other symbols in relevant published materials, striving to employ multilingual staff, and creating and posting multilanguage announcements, posters and other information.

The **City of Whitewater** and our contractor also attends Latin festivals and functions in the area for the LEP population. The cost is relatively low but the ability to reach the LEP population is high. The **City of Whitewater** will continue to reach out to LEP populations by visiting ethnic meal sites and/or community centers and groups, local non-English speaking churches, and local stores or markets catering to immigrants/non-English speaking populations.

✓ Factor 4: Resources and Costs: What funding and other resources are available for LEP outreach?

Even though the **City of Whitewater** does not have a separate budget for LEP outreach, the city has worked with our contractor/transit provider to implement low cost methods of reaching LEP persons to ensured that riders may request materials printed and on-line in Spanish. In addition, the City of Whitewater and our contractor/transit provider work with local advocacy groups to reach LEP populations.

✓ Additional Required Elements

In addition to the Four Factor Analysis (listed below as item #1), the City of Whitewater will address the following elements:

Item #2: A description of how language assistance services are provided by language

The **City of Whitewater** has a bilingual speaking person on staff. In addition, we work with our contractor/transit provider to ensure mechanisms are in place to reach LEP persons in the service area. For example, the contractor has a special brochure printed and is available in each vehicle to assist LEP populations in understanding the transportation service.

Item #3: A description of how LEP persons are informed of the availability of language assistance service

The **City of Whitewater** and its contractor/transit provider does the following to inform LEP persons of the availability of language assistance services: publish timetables and route maps in languages other than English, provide pictograms and other symbols in relevant published materials, striving to employ multilingual staff, and creating and posting multi-language announcements, posters and other information.

The **City of Whitewater** and our contractor also attends Latin festivals and functions in the area for the LEP population. The cost is relatively low but the ability to reach the LEP population is high. The **City of Whitewater** will continue to reach out to LEP populations by visiting ethnic meal sites and/or community centers and groups, local non-English speaking churches, and local stores or markets catering to immigrants/non-English speaking populations.

Item #4: A description of how the language assistance plan is monitored and updated

The **City of Whitewater** reviews its plan on an annual basis or more frequently as needed. In particular, the **City of Whitewater** will evaluate

the information collected on encounters with LEP persons as well as public outreach efforts to determine if adjustments should be made to the delivering of programs and services to ensure meaningful access to minority and LEP persons.

In addition, if relevant, the **City of Whitewater** will meet with its contractor/transit provider on an annual basis to ensure the Title VI requirements are met. The last approval and site-visit of the contractor/transit provider was on XX/XX/2014.

Item #5: A description of how employees are trained to provide language assistance to LEP persons

City of Whitewater employees are educated on the principles of Title VI and the City of Whitewater's Language Assistance Plan. New employees will be provided guidance on the needs of clients served and how best to meet their needs. An important discussion point is that of language assistance. If a driver, dispatcher or employee needs further assistance related to LEP program participants, her/she will work with the City of Whitewater's Title VI Coordinator to identify strategies to meet the language needs of the participants of the program or service.

As part of our annual check in meeting, if relevant, the **City of Whitewater** will meet with its contractor/transit provider to discuss updates the **City of Whitewater's** Language Assistance Plan.

### **Minority Representation Information**

#### A. Minority Representation Table

The table below depicts the **City of Whitewater's** committees and councils related to transit: the Access Committee, Citizens Advisory Council and the Bicycle Pedestrian Committee. The demographic data in the table below indicates the participation of minorities on committees and councils is reflective of the demographic makeup of the **City of Whitewater**.

Body	Caucasia n	Hispanic	African American	Asian American	Native American	Other
Population	83.5%	9.5%	3.4%	1.9%	0.2%	1.5%
Access Committee						
Citizens Advisory Council						
Bicycle Pedestrian Committee						

### **B.** Efforts to Encourage Minority Participation

The City of Whitewater understands diverse representation on committees, councils and boards results in sound policy reflective of its entire population. As such, the City of Whitewater encourages participation of all its citizens. As of January 2013, with the exception of the Access Committee, all races residing in the City of Whitewater were represented on the transit-related committees/ councils. As vacancies on boards, committees and councils become available, the City of Whitewater will make efforts to encourage and promote diversity. To encourage participation on its boards, committees and councils, the City of Whitewater will continue to reach out to community, ethnic and faith-based organizations to connect with all populations. In addition, the City of Whitewater will use create ways to make participating realistic and reasonable. Such as, scheduling meetings at times best suited to its members and providing transportation and child care, if needed for its members.

# Minority Representation Data Collection Form

Name of board, commission, council, etc.
Date:
Dear Member,
As the <b>City of Whitewater</b> is a recipient of federal funds, we are required under Title VI of the Civil Right statue to ascertain the racial/ethnic make-up of any non-elected boards, commissions, councils, etc.
Data from this section is used for statistical and reporting purposes. The information may be subject to disclosure under federal or state law or rule.
Anti-Discrimination Notice
It is unlawful for the <b>City of Whitewater</b> to fail or refuse to provide services, access to services or activities, or otherwise discriminate against an individual because of an individual's race, color, religion, sex, national origin, disability or veteran status.
As a council under the jurisdiction of the <b>City of Whitewater</b> , we invite council members to voluntarily self-identify their race/ethnicity in order for us to comply with FTA Title VI regulations. This information with be used according to the provisions of applicable federal and state laws, executive orders and regulations, including those requiring the information to be summarized and reported to the federal government for civil rights enforcement purposes.
Race/Ethnicity
If you choose to self-identify, please mark the <b>one box</b> describing the race/ethnicity category with which you primarily identify:
Asian or Pacific Islander. All persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.
Black and/or African American (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.
<i>Hispanic:</i> All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanis culture or origin, regardless of race.
American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
Caucasian (not of Hispanic origin): All persons having origins in any of the original peoples of

Europe, North Africa or the Middle East.